

IC 15-2.1-2

Chapter 2. Definitions

IC 15-2.1-2-1

Application

Sec. 1. (a) The definitions in this chapter apply throughout this article.

(b) "Regulations" means rules.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.137-1996, SEC.1.

IC 15-2.1-2-2

"Administrative officer" defined

Sec. 2. "Administrative officer" means the state veterinarian.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-2-2.3

"Adulterated" defined

Sec. 2.3. "Adulterated" means a food product that meets at least one (1) of the following circumstances:

(1) If the product bears or contains a poisonous or deleterious substance that may make the product injurious to health. However, if the substance is not an added substance, the product is not considered adulterated under this subdivision if the quantity of the substance in or on the product does not ordinarily make the product injurious to health.

(2) If the product bears or contains any of the following:

(A) Any added poisonous or added deleterious substance that is unsafe within the meaning of section 406 of the federal Food, Drug and Cosmetic Act and the regulations adopted under that act.

(B) A pesticide chemical that is unsafe within the meaning of Section 408 of the federal Food, Drug and Cosmetic Act or the regulations adopted under that act.

(C) A food additive that is unsafe under Section 409 of the federal Food, Drug and Cosmetic Act or the regulations adopted under that act.

(D) A color additive that is unsafe under section 721 of the federal Food, Drug and Cosmetic Act or the regulations adopted under that act.

(E) A new animal drug (or conversion product thereof) that is unsafe within the meaning of section 512 of the federal Food, Drug and Cosmetic Act or the regulations adopted under that act.

However, a product that is not otherwise considered adulterated under clause (A), (B), (C), (D), or (E) is considered adulterated if use of the pesticide chemical, food additive, or color additive in or on the product is prohibited by rules of the board in food processing establishments.

(3) If the product consists in whole or in part of a filthy, putrid,

or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(4) If the product has been prepared, packed, or held under unsanitary conditions under which the product may have become contaminated with filth, or under which the product may have been made injurious to health.

(5) If the product is in whole or in part the product of an animal, including poultry, that has died otherwise than by slaughter.

(6) If the product's container is composed in whole or in part of a poisonous or deleterious substance that may make the contents injurious to health.

(7) If the product has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or an exemption in effect under the federal Food, Drug and Cosmetic Act.

(8) If:

(A) a valuable constituent has been in whole or in part omitted or abstracted from the product;

(B) a substance has been substituted wholly or in part for the product;

(C) damage or inferiority has been concealed in any manner; or

(D) a substance has been added to the product or mixed or packed with the product to increase the product's bulk or weight, reduce the product's quality or strength, or make the product appear better or of greater value than the product is.

(9) If the product is oleomargarine or margarine containing animal fat and any of the raw material used in the product consisted in whole or in part of a filthy, putrid, or decomposed substance or is otherwise unfit for human food.

As added by P.L.124-2001, SEC.6.

IC 15-2.1-2-2.5

"Animal" defined

Sec. 2.5. "Animal" means a member of the animal kingdom, except humans.

As added by P.L.124-2001, SEC.7. Amended by P.L.93-2005, SEC.7.

IC 15-2.1-2-2.8 Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-3

Repealed

(Repealed by P.L.165-1985, SEC.37.)

IC 15-2.1-2-3.2

"Antemortem inspection" defined

Sec. 3.2. "Antemortem inspection" means the inspection of all livestock or poultry before slaughter on the day of slaughter at an official establishment.

As added by P.L.137-1996, SEC.3.

IC 15-2.1-2-3.4

"Approved certificate of veterinary inspection" defined

Sec. 3.4. "Approved certificate of veterinary inspection" means an official certificate of veterinary inspection that bears the approval of the chief livestock sanitary official of the state of origin.

As added by P.L.124-2001, SEC.8. Amended by P.L.93-2005, SEC.8.

IC 15-2.1-2-3.6

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-4

Repealed

(Repealed by P.L.93-2005, SEC.32.)

IC 15-2.1-2-4.5

"Approved slaughtering establishment" defined

Sec. 4.5. "Approved slaughtering establishment" means an establishment operating under the provisions of the federal Meat Inspection Act (21 U.S.C. 601 et seq.), the federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Indiana Meat and Poultry Inspection Act (IC 15-2.1-24).

As added by P.L.124-2001, SEC.10.

IC 15-2.1-2-5

"Livestock auction market" defined

Sec. 5. "Livestock auction market" means an established place of business and contiguous surroundings, where animals are consigned to be sold at public auction by the operator of the business as an agent for the consignor in exchange for a commission paid by the consignor.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.2; P.L.124-2001, SEC.11.

IC 15-2.1-2-6

"Baby chick" defined

Sec. 6. "Baby chick" means any domestic fowl under the age of six (6) weeks.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-2-7

"Board" defined

Sec. 7. "Board" means the Indiana state board of animal health created by IC 15-2.1-3-1.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.3.

IC 15-2.1-2-8

"Brucellosis" defined

Sec. 8. "Brucellosis" (commonly called abortion disease or Bang's disease) means a dangerous, communicable, and infectious disease in animals caused by brucella organisms.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.12.

IC 15-2.1-2-9

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-9.2

"Bulk milk hauler/sampler" defined

Sec. 9.2. "Bulk milk hauler/sampler" means a person that does the following:

- (1) Collects official samples.
- (2) May transport raw milk in bulk form.
- (3) Transports milk to or from a milk plant, receiving station, or transfer station.

As added by P.L.137-1996, SEC.5. Amended by P.L.109-1998, SEC.1; P.L.124-2001, SEC.13.

IC 15-2.1-2-9.3

"Bulk milk pickup tanker" defined

Sec. 9.3. "Bulk milk pickup tanker" means a vehicle, including the truck, tank, and those appurtenances necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.

As added by P.L.124-2001, SEC.14.

IC 15-2.1-2-9.4

"Bulk milk route" defined

Sec. 9.4. "Bulk milk route" means a group of dairy farms from which milk is collected in a bulk milk pickup tanker and transported to a milk plant, receiving station, or transfer station.

As added by P.L.137-1996, SEC.6. Amended by P.L.124-2001, SEC.15.

IC 15-2.1-2-9.5

"Can milk hauler" or "cream hauler" defined

Sec. 9.5. "Can milk hauler" or "cream hauler" means a person who transports raw fluid milk in cans to a milk plant, receiving station, or transfer station.

As added by P.L.137-1996, SEC.7. Amended by P.L.124-2001, SEC.16.

IC 15-2.1-2-9.6

"Can milk route" defined

Sec. 9.6. "Can milk route" means a group of dairy farms from

which milk is collected in milk cans and transported to a milk plant, receiving station, or transfer station.

As added by P.L.137-1996, SEC.8. Amended by P.L.124-2001, SEC.17.

IC 15-2.1-2-9.8

"Capable of use as human food" defined

Sec. 9.8. "Capable of use as human food" means any livestock or poultry carcass or part or product of such a carcass, unless the carcass or part or product of the carcass is:

(1) denatured or otherwise identified as not for human food as required by rules adopted by the board to deter its use as human food; or

(2) naturally inedible by humans.

As added by P.L.137-1996, SEC.9. Amended by P.L.124-2001, SEC.18.

IC 15-2.1-2-9.9

"Certificate" and "certificate of veterinary inspection" defined

Sec. 9.9. "Certificate" and "certificate of veterinary inspection" means an official document issued by a state or federal representative or an accredited veterinarian that records a veterinary inspection of the animal, statements about the health of the animal, tests conducted on the animal, vaccinations given the animal, and other information about the animal and its movement that is required by a state or the United States to be recorded.

As added by P.L.124-2001, SEC.19.

IC 15-2.1-2-10

"Certified brucellosis-free herd" defined

Sec. 10. "Certified brucellosis-free herd" means a herd which is certified as free from brucellosis as defined by regulations of the board and of the United States department of agriculture made under any cooperative agreement pursuant to the provisions of this article.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-2-10.5

"Color additive" defined

Sec. 10.5. "Color additive" has the same meaning as set forth in the federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.).

As added by P.L.137-1996, SEC.10.

IC 15-2.1-2-10.7

"Commerce" defined

Sec. 10.7. "Commerce" means commerce within Indiana.

As added by P.L.137-1996, SEC.11. Amended by P.L.124-2001, SEC.20.

IC 15-2.1-2-11

"Concentration point" defined

Sec. 11. "Concentration point" means licensed place of business under the provisions of IC 15-2.1-14 where only feeder pigs, to which the licensee of such point has taken title, are assembled for resale within or without the state of Indiana.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.4.

IC 15-2.1-2-12

"Consignor" defined

Sec. 12. "Consignor" means any person consigning, shipping, or delivering animals for sale, resale, or exchange, and includes any person who causes to be transported or who delivers animals to a sale barn for the purpose of sale.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.21.

IC 15-2.1-2-12.5

"Container" defined

Sec. 12.5. "Container" means any box, can, tin, cloth, package, plastic, or other receptacle, wrapper, or cover.

As added by P.L.137-1996, SEC.12.

IC 15-2.1-2-12.7

"Dairy farm" defined

Sec. 12.7. "Dairy farm" means a place:

- (1) where at least one (1) lactating cow, sheep, goat, water buffalo, or other hoofed mammal is kept; and
- (2) from which a part or all of the milk or milk products that are produced are provided, sold, or offered for sale to a milk plant, transfer station, or receiving station.

As added by P.L.137-1996, SEC.13. Amended by P.L.124-2001, SEC.22; P.L.93-2005, SEC.9.

IC 15-2.1-2-13

"Dealer" defined

Sec. 13. (a) "Dealer" means any person, unless otherwise specifically exempted or excluded by this article, who is engaged in the business of buying, selling, or negotiating the transfer of livestock either for processing into meat products in conjunction with the operation of a business enterprise or for the purpose of resale, transfer, or final disposition in any other manner. "Dealer" includes market agencies, stockyards, sale barns, auction markets, buying stations, and concentration points.

(b) "Dealer", for purposes of IC 15-2.1-24, means a person engaged in the business of buying or selling livestock products or poultry products on commission or otherwise negotiating purchases or sales of such articles other than for the dealer's own account or as an employee of another person.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.165-1985, SEC.1; P.L.137-1996, SEC.14; P.L.124-2001, SEC.23.

IC 15-2.1-2-14**"Disposal plant" defined**

Sec. 14. (a) "Disposal plant" means and includes any plant and all equipment thereof that is constructed or intended to be operated for the disposal of the following:

- (1) The bodies of dead animals not slaughtered and intended for human food.
- (2) The nonedible byproducts from the slaughtering of animals for human food, including the disposal of the body of any animal slaughtered for human food which has become unsuitable for such use.
- (3) The disposal of the bodies of dead poultry not suitable for human food, and of poultry byproducts, including the viscera, heads, feet, and poultry feathers.

(b) The term includes all substations of any plant that are used in connection with such business for the temporary deposit of such bodies and nonedible byproducts pending final delivery to any disposal plant, and shall also include all vehicles and equipment used for the transportation of such bodies and nonedible byproducts.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.24.

IC 15-2.1-2-15**"Domestic animal" defined**

Sec. 15. "Domestic animal" means an animal that is not wild. The term is limited to:

- (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus, or other bird;
- (2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species; or
- (3) an aquatic animal that may be the subject of aquaculture (as defined in IC 4-4-3.8-1).

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.18-1989, SEC.3; P.L.91-1994, SEC.1.

IC 15-2.1-2-16**"Employee" defined**

Sec. 16. "Employee" means all persons employed by the board, including the state veterinarian, assistant state veterinarian, deputies, and assistants.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-2-16.2**"Establishment" defined**

Sec. 16.2. "Establishment", for purposes of IC 15-2.1-24, means a building, part of a building, or other location used for slaughtering livestock or poultry or preparing meat or poultry, meat food products, and meat byproducts capable of use as human food.

As added by P.L.124-2001, SEC.25.

IC 15-2.1-2-16.5**"Federal acts" defined**

Sec. 16.5. "Federal acts", for purposes of IC 15-2.1-24, means the following:

- (1) The federal Meat Inspection Act (21 U.S.C. 601 et seq.).
- (2) The federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

As added by P.L.137-1996, SEC.15. Amended by P.L.124-2001, SEC.26.

IC 15-2.1-2-16.7**"Federal Food, Drug and Cosmetic Act" defined**

Sec. 16.7. "Federal Food, Drug and Cosmetic Act" means the federal Food, Drug and Cosmetic Act at 21 U.S.C. 301 et seq.

As added by P.L.124-2001, SEC.27.

IC 15-2.1-2-17**"Feeder pig" defined**

Sec. 17. "Feeder pig" means swine of any breed weighing not more than one hundred and eighty (180) pounds.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1981, P.L.160, SEC.1.

IC 15-2.1-2-18**Repealed**

(Repealed by Acts 1977, P.L.166, SEC.48.)

IC 15-2.1-2-19**Repealed**

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-19.5**"Food additive" defined**

Sec. 19.5. "Food additive" has the same meaning as set forth in the federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.).

As added by P.L.137-1996, SEC.16.

IC 15-2.1-2-19.7**"Food" defined**

Sec. 19.7. "Food" means the following:

- (1) All articles used for food, drink, confectionary, or condiment whether simple, mixed, or compound.
- (2) All substances or ingredients used in the preparation of the items described in subdivision (1).

As added by P.L.124-2001, SEC.28.

IC 15-2.1-2-20**"Garbage" defined**

Sec. 20. (a) "Garbage" means:

- (1) any waste material derived in whole or in part from any

animal, including fish and poultry; and

(2) refuse from the handling, preparation, cooking, or consumption of food that has been associated with waste material derived in whole or in part from any animal, including fish and poultry.

(b) "Garbage" does not include:

(1) bakery waste;

(2) candy waste;

(3) eggs;

(4) domestic dairy products; and

(5) waste from ordinary household operations that is fed directly to swine on the same premises where the household is located.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.165-1985, SEC.2; P.L.95-1992, SEC.1.

IC 15-2.1-2-20.5

"Grade A dry milk and whey products" defined

Sec. 20.5. "Grade A dry milk and whey products" means milk products that have been:

(1) produced for use in Grade A pasteurized or aseptically processed milk products; and

(2) manufactured under the provisions of the United States Food and Drug Administration "Grade A Condensed and Dry Milk Products – Condensed and Dry Whey Supplement I to the Grade "A" Pasteurized Milk Ordinance".

As added by P.L.137-1996, SEC.17. Amended by P.L.124-2001, SEC.29.

IC 15-2.1-2-20.7

"Grade A milk and milk products" defined

Sec. 20.7. "Grade A milk and milk products" means milk and milk products that meet the requirements for Grade A in IC 15-2.1-23 and in the rules adopted under IC 15-2.1-23.

As added by P.L.124-2001, SEC.30.

IC 15-2.1-2-21

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-21.2

"Herd" defined

Sec. 21.2. "Herd" means a group or groups of animals that are either:

(1) maintained on common ground; or

(2) geographically separated but under common ownership, supervision, or control.

As added by P.L.124-2001, SEC.31.

IC 15-2.1-2-21.4

"Humane method" defined

Sec. 21.4. (a) "Humane method" means a method by which the livestock is made insensible to pain by mechanical, electrical, chemical, or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut.

(b) The term does not include the use of a manually operated hammer, sledge, or poleax.

As added by P.L.137-1996, SEC.18.

IC 15-2.1-2-21.7

"Immediate container" defined

Sec. 21.7. "Immediate container" means a container, receptacle, or other covering in which milk products, livestock products, or poultry products are directly contained or wholly or partially enclosed.

As added by P.L.137-1996, SEC.19. Amended by P.L.124-2001, SEC.32.

IC 15-2.1-2-22

"Immediate slaughter" defined

Sec. 22. "Immediate slaughter" means that any animal purchased or sold for immediate slaughter or for slaughter will be slaughtered by the purchaser within seven (7) days of purchase or will be consigned to an establishment or to a properly licensed market facility for reconsignment to a slaughtering establishment within seven (7) days of acquiring the animal. The term does not include an animal that is diverted for any other purpose or use besides immediate slaughter.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.6; P.L.124-2001, SEC.33.

IC 15-2.1-2-23

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-23.1

"Inedible" defined

Sec. 23.1. "Inedible" means not suitable for human consumption.

As added by P.L.124-2001, SEC.34.

IC 15-2.1-2-23.3

"Inspector" defined

Sec. 23.3. "Inspector" means an individual who is authorized by the board to perform any inspection functions under this article and who meets one (1) of the following criteria:

- (1) The person is authorized by the state veterinarian to do any work or perform any duty in connection with the inspection of animals and food products under this article.
- (2) The person is an employee or official of the government of the county or other governmental subdivision of this state acting

under an agreement between the state veterinarian and a governmental subdivision.
As added by P.L.137-1996, SEC.20. Amended by P.L.124-2001, SEC.35.

IC 15-2.1-2-23.5

"Label" defined

Sec. 23.5. "Label" means a display of written, printed, or graphic matter upon an article or the immediate container, excluding package liners, of an article.

As added by P.L.137-1996, SEC.21.

IC 15-2.1-2-23.7

"Labeling" defined

Sec. 23.7. "Labeling" means all labels and other written, printed, or graphic matter:

- (1) upon an article or any of the article's containers or wrappers;
- or
- (2) accompanying an article.

As added by P.L.137-1996, SEC.22.

IC 15-2.1-2-24

"Laboratory" defined

Sec. 24. "Laboratory" means the animal disease diagnostic laboratory established by IC 15-2.1-5-1 or any other laboratory approved by the board.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.7; P.L.124-2001, SEC.36.

IC 15-2.1-2-25

Repealed

(Repealed by Acts 1977, P.L.166, SEC.48.)

IC 15-2.1-2-26

"Licensed and accredited veterinarian" defined

Sec. 26. "Licensed and accredited veterinarian" means a veterinarian licensed by any state and accredited by the United States department of agriculture under 9 CFR Subchapter J to perform official functions.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.37.

IC 15-2.1-2-27

"Livestock" defined

Sec. 27. (a) "Livestock" means domestic animals, except the following:

- (1) Aquatic animals.
- (2) Fish.
- (3) Dogs.
- (4) Cats.

(5) Poultry and other birds, except ratites that meet the definition of domestic animal set forth in section 15 of this chapter.

(b) "Livestock", for purposes of IC 15-2.1-24, means cattle, sheep, swine, goats, bison, farm raised cervidae, ratitae, horses, mules, or other equines, whether live or dead.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.95-1992, SEC.2; P.L.91-1994, SEC.2; P.L.137-1996, SEC.23.

IC 15-2.1-2-27.3

"Livestock product" defined

Sec. 27.3. "Livestock product" means a carcass, part of a carcass, meat, or meat food product of livestock.

As added by P.L.137-1996, SEC.24.

IC 15-2.1-2-27.4

"Livestock transaction" defined

Sec. 27.4. "Livestock transaction", for purposes of IC 15-2.1-14, means the following:

(1) For market agencies selling livestock on commission, the dollar value of livestock sold on commission.

(2) For market agencies buying on commission and dealers buying livestock, the dollar value of livestock purchased.

(3) For market agencies acting as a clearing agency, the dollar value of livestock purchased by all persons for whom the market agency served as a clearor.

As added by P.L.124-2001, SEC.38.

IC 15-2.1-2-27.6

"Manufacturing grade raw milk" defined

Sec. 27.6. "Manufacturing grade raw milk" means milk produced on a dairy farm that does not have a valid permit issued by the board to sell Grade A raw milk for pasteurization.

As added by P.L.124-2001, SEC.39.

IC 15-2.1-2-27.7

"Manufacturing grade milk products" defined

Sec. 27.7. "Manufacturing grade milk products" means dairy products that are not considered Grade A under IC 15-2.1-23 or under the rules adopted under IC 15-2.1-23.

As added by P.L.124-2001, SEC.40.

IC 15-2.1-2-28

"Market agency" defined

Sec. 28. "Market agency" means a person who buys or sells livestock on a commission basis.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-2-28.2

"Meat food product" and "meat product" defined

Sec. 28.2. (a) "Meat food product" and "meat product" means a product capable of use as human food that is made wholly or in part from meat or other part of the carcass of cattle, sheep, swine, equines, bison, farm raised cervidae, ratitae, or goats.

(b) The term does not include products that:

(1) contain meat or other parts of such carcasses only in a relatively small proportion; or

(2) historically have not been considered by consumers as products of the meat food industry; and

that are exempted from definition as a meat food product by the state veterinarian under conditions the state veterinarian prescribes to ensure that the meat or other parts of the carcass contained in the product are not adulterated and that such products are not represented as meat food products.

As added by P.L.137-1996, SEC.25. Amended by P.L.124-2001, SEC.41.

IC 15-2.1-2-28.4

"Milk" defined

Sec. 28.4. "Milk" means the lacteal secretion practically free from colostrum that is obtained by the complete milking of healthy dairy animals and that meets a definition and standard of identity for milk adopted by the board under IC 4-22-2.

As added by P.L.137-1996, SEC.26. Amended by P.L.109-1998, SEC.2.

IC 15-2.1-2-28.5

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-28.6

"Milk distributor" defined

Sec. 28.6. (a) "Milk distributor" means a person who offers for sale or sells milk or milk products to another person.

(b) The term does not include the following:

(1) A store or market that receives and sells bottled or packaged milk and milk products in the original container or package to consumers.

(2) A restaurant, soda fountain, or similar establishment serving milk or milk products.

As added by P.L.137-1996, SEC.28. Amended by P.L.124-2001, SEC.42.

IC 15-2.1-2-28.7

"Milk plant" defined

Sec. 28.7. (a) "Milk plant" means a place, a premises, or an establishment where milk or milk products are collected, handled, processed, stored, ultra pasteurized, bottled, aseptically processed, condensed, dried, packaged, or prepared for distribution.

(b) The term does not include soft ice cream dispensers in

restaurants as defined by the board.

As added by P.L.137-1996, SEC.29. Amended by P.L.124-2001, SEC.43; P.L.93-2005, SEC.10.

IC 15-2.1-2-28.8

"Milk producer" defined

Sec. 28.8. "Milk producer" means a person who does the following:

- (1) Operates a dairy farm.
- (2) Provides, sells, or offers raw milk for sale to a milk plant, receiving station, or transfer station.

As added by P.L.137-1996, SEC.30. Amended by P.L.124-2001, SEC.44.

IC 15-2.1-2-28.9

"Milk products" defined

Sec. 28.9. "Milk products" means those products designated by the rules of the board as:

- (1) being within IC 15-2.1-23; and
- (2) conforming to the definitions and standards of identity specified in those rules.

As added by P.L.137-1996, SEC.31. Amended by P.L.109-1998, SEC.3; P.L.124-2001, SEC.45.

IC 15-2.1-2-29

"Modified accredited or tuberculosis-free area" defined

Sec. 29. "Modified accredited or tuberculosis-free area" means an area which meets the requirements established by the board and the United States department of agriculture under a cooperative agreement as provided for by this article.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.8.

IC 15-2.1-2-29.1

"Milk tank truck" defined

Sec. 29.1. "Milk tank truck" means a bulk milk pickup tanker or a milk transport tank.

As added by P.L.124-2001, SEC.46.

IC 15-2.1-2-29.2

"Milk tank truck cleaning facility" defined

Sec. 29.2. "Milk tank truck cleaning facility" means any place, premise, or establishment that is separate from a milk plant, receiving station, or transfer station where a milk tank truck is cleaned and sanitized.

As added by P.L.124-2001, SEC.47.

IC 15-2.1-2-29.3

"Milk transport tank" defined

Sec. 29.3. "Milk transport tank" means a vehicle, including the

truck and tank, used by a bulk milk hauler/sampler to transport bulk shipments of milk from a milk plant, receiving station, or transfer station to another milk plant, receiving station, or transfer station.
As added by P.L.124-2001, SEC.48.

IC 15-2.1-2-29.4

"Milk transportation company" defined

Sec. 29.4. "Milk transportation company" means a person that is responsible for a milk tank truck.

As added by P.L.124-2001, SEC.49.

IC 15-2.1-2-29.7

"Misbranded" defined

Sec. 29.7. "Misbranded" means a food product that meets at least one (1) of the following conditions:

- (1) If the product's labeling is false or misleading in any way.
- (2) If the product is offered for sale under the name of another food.
- (3) If the product is an imitation of another food, unless the product's label bears, in type of uniform size and prominence, the word "imitation" and immediately afterward, the name of the food imitated.
- (4) If the product's container is made, formed, or filled in a manner that is misleading.
- (5) If in packaged form, unless the product bears a label showing the following:
 - (A) The name and place of business of the manufacturer, packer, or distributor.
 - (B) An accurate statement of the quantity of the product in terms of weight, measure, or numerical count.
- (6) If a word, statement, or other information required under this chapter or the rules adopted under this chapter to appear on the label or other labeling is not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in terms making it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
- (7) If the product purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the rules of the board unless:
 - (A) the product conforms to the definition and standard; and
 - (B) the product's label bears the name of the food specified in the definition and standard and, as required by rules of the board, the common names of optional ingredients other than spices, flavoring, and coloring present in the food.
- (8) If the product purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by rules of the board and the product falls below the applicable standard of fill of container unless the label bears, in a manner and form that the rules specify, a statement that the

product falls below that standard.

(9) If the product's label does not bear the following:

(A) The common or usual name of the food, if any.

(B) If the product is fabricated from at least two (2) ingredients, the common or usual name of each ingredient. However, spices, flavorings, and colorings may, when authorized by the state veterinarian, be designated as spices, flavorings, and colorings without naming each ingredient.

(10) If the product purports to be or is represented for special dietary uses, unless the product's label bears information concerning the product's vitamin, mineral, and other dietary properties that the board determines to be necessary to fully inform purchasers of the product's value for such uses as set forth in rules adopted by the board.

(11) If the product bears or contains artificial flavoring, artificial coloring, or a chemical preservative, unless the product bears labeling stating that fact.

(12) If the product fails to bear directly on the product and on the product's containers, information the board prescribes by rule, including an official mark, to ensure that the product will not have false or misleading labeling and that the public will be reasonably informed about the product.

As added by P.L.124-2001, SEC.50.

IC 15-2.1-2-29.9

"Move" defined

Sec. 29.9. "Move" means the following:

(1) To carry, enter, import, mail, ship, or transport.

(2) To aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting.

(3) To offer to carry, enter, import, mail, ship, or transport.

(4) To receive in order to carry, enter, import, mail, ship, or transport.

(5) To release into the environment.

(6) To allow any of the activities described in this section.

As added by P.L.93-2005, SEC.11.

IC 15-2.1-2-30

"Nonedible" defined

Sec. 30. "Nonedible" means not suitable for human consumption.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-2-31

"Oath" defined

Sec. 31. "Oath" includes affirmation.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-2-31.1

"Object" defined

Sec. 31.1. "Object", for purposes of IC 15-2.1-1 through

IC 15-2.1-18, means a pest or disease or a material or tangible thing that could harbor a pest or disease.

As added by P.L.93-2005, SEC.12.

IC 15-2.1-2-31.2

"Official certificate" defined

Sec. 31.2. "Official certificate", for purposes of IC 15-2.1-24, means a certificate prescribed by rules of the board for issuance by an inspector or other person performing official functions under IC 15-2.1-24.

As added by P.L.137-1996, SEC.32.

IC 15-2.1-2-31.3

"Official health certificate" and "official certificate of veterinary inspection" defined

Sec. 31.3. "Official health certificate" or "official certificate of veterinary inspection" means an official document issued by a state or federal representative or an accredited veterinarian that records a veterinary inspection of the animal, statements about the health of the animal, tests conducted on the animal, vaccinations given the animal, and other information about the animal and its movement that is required by a state or by the United States to be recorded.

As added by P.L.124-2001, SEC.51. Amended by P.L.93-2005, SEC.13.

IC 15-2.1-2-31.5

"Official device" defined

Sec. 31.5. "Official device" means a device prescribed or authorized by the state veterinarian for use in applying an official mark.

As added by P.L.137-1996, SEC.33.

IC 15-2.1-2-31.7

"Official establishment" defined

Sec. 31.7. "Official establishment", for purposes of IC 15-2.1-24, means an establishment that has been granted inspection under IC 15-2.1-24.

As added by P.L.137-1996, SEC.34. Amended by P.L.124-2001, SEC.52.

IC 15-2.1-2-32

Repealed

(Repealed by P.L.93-2005, SEC.32.)

IC 15-2.1-2-32.5

"Official identification" defined

Sec. 32.5. "Official identification" means the method of identification recognized or required by the board for an animal or class of animals under a rule adopted by the board under IC 4-22-2.

As added by P.L.165-1985, SEC.3. Amended by P.L.124-2001,

SEC.54.

IC 15-2.1-2-32.6

"Official inspection legend" defined

Sec. 32.6. "Official inspection legend" means a symbol prescribed by rules of the board showing that an article was inspected and passed in accordance with IC 15-2.1-24.

As added by P.L.137-1996, SEC.35.

IC 15-2.1-2-32.7

"Official laboratory" defined

Sec. 32.7. "Official laboratory" means a biological, chemical, or physical laboratory that meets the following conditions:

(1) Is under the direct supervision of the board or a state or local governmental agency designated by the board.

(2) Is authorized and certified by the board to do official work.

As added by P.L.137-1996, SEC.36. Amended by P.L.124-2001, SEC.55.

IC 15-2.1-2-32.8

"Official mark" defined

Sec. 32.8. "Official mark" means the official inspection legend or other symbol prescribed by rules of the board to identify the status of an article, livestock, or poultry under IC 15-2.1-24.

As added by P.L.137-1996, SEC.37.

IC 15-2.1-2-32.9

"Officially designated laboratory" defined

Sec. 32.9. "Officially designated laboratory" means:

(1) a commercial laboratory authorized and certified by the board to do official work; or

(2) an industry laboratory authorized and certified by the board to do official work.

As added by P.L.137-1996, SEC.38. Amended by P.L.124-2001, SEC.56.

IC 15-2.1-2-33

"Officially vaccinated calves" defined

Sec. 33. "Officially vaccinated calves" means calves which were vaccinated in accordance with the state and federal regulations existing at the time of vaccination.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-2-34

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-35

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-36

"Packer" defined

Sec. 36. "Packer" means any person engaged in the business of:

- (1) buying livestock to be slaughtered for food;
- (2) manufacturing or preparing meat or meat food products for sale or shipment in commerce; or
- (3) marketing meat and meat food products acting as a wholesaler, broker, dealer, or distributor.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.57.

IC 15-2.1-2-37

"Packers and Stock Yards Act" defined

Sec. 37. "Packers and Stock Yards Act" means the act of Congress designated as the Packers and Stock Yards Act of 1921 (42 U.S. Statutes at Large, page 159), and all laws amendatory thereof and such rules and regulations as may have been or shall be adopted pursuant thereto.

As added by Acts 1976, P.L.59, SEC.1.

IC 15-2.1-2-38

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-38.3

"Pasteurization", "pasteurized" defined

Sec. 38.3. (a) "Pasteurization", "pasteurized", and similar terms means the following:

- (1) The process of heating every particle of milk or milk products (except ice cream, ice milk, and sherbet mixture) to:
 - (A) at least one hundred forty-five degrees Fahrenheit (145°F) and holding the particle continuously at or above this temperature for at least thirty (30) minutes; or
 - (B) at least one hundred sixty-one degrees Fahrenheit (161°F) and holding the particle continuously at or above this temperature for at least fifteen (15) seconds;in equipment that is properly operated and approved by the board.
- (2) The process of heating milk products that have higher milk fat content than milk or that contain added sweeteners to:
 - (A) at least one hundred fifty degrees Fahrenheit (150°F) and held continuously at or above this temperature for at least thirty (30) minutes; or
 - (B) at least one hundred sixty-six degrees Fahrenheit (166°F) and held continuously at or above this temperature for at least fifteen (15) seconds.
- (3) The process of heating every particle of ice cream, ice milk, or sherbet mixture (except fruits, fruit juices, nuts, cocoa or chocolate, maple syrup, cakes, confections, or other flavoring or color) to:

(A) one hundred fifty-five degrees Fahrenheit (155°F) and holding the particle continuously at or above this temperature for at least thirty (30) minutes;

(B) at least one hundred seventy-five degrees Fahrenheit (175°F) and holding the particle continuously at or above this temperature for at least twenty-five (25) seconds; or

(C) at least one hundred ninety-four degrees Fahrenheit (194°F) for at least one-half (1/2) second.

(4) Any other pasteurization process that is found to be equally efficient and that is approved by rule of the board.

As added by P.L.137-1996, SEC.39. Amended by P.L.124-2001, SEC.58.

IC 15-2.1-2-39

"Person" defined

Sec. 39. "Person" means any individual, trustee, receiver, corporation, limited liability company, partnership, and any other firm, organization, association, cooperative or group of individuals or persons, whatsoever.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.8-1993, SEC.230.

IC 15-2.1-2-39.1

"Pest" defined

Sec. 39.1. "Pest" means any of the following that can directly or indirectly injure, cause damage to, or cause disease in animals:

(1) A protozoan.

(2) A plant.

(3) A bacteria.

(4) A fungus.

(5) A virus or viroid.

(6) An infectious agent or other pathogen.

(7) An arthropod.

(8) A parasite.

(9) A prion.

(10) A vector.

(11) An organism similar to or allied with any of the organisms described in this section.

As added by P.L.93-2005, SEC.14.

IC 15-2.1-2-39.2

"Pesticide chemical" defined

Sec. 39.2. "Pesticide chemical" has the meaning set forth in the federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.).

As added by P.L.137-1996, SEC.40.

IC 15-2.1-2-39.4

"Postmortem inspection" defined

Sec. 39.4. "Postmortem inspection" means the inspection of livestock or poultry at the time of slaughter at an official

establishment.

As added by P.L.137-1996, SEC.41.

IC 15-2.1-2-39.6

"Poultry" defined

Sec. 39.6. "Poultry", for purposes of IC 15-2.1-24, means a domesticated bird, whether live or dead.

As added by P.L.137-1996, SEC.42.

IC 15-2.1-2-39.8

"Poultry product" defined

(a) Sec. 39.8. "Poultry product", for purposes of IC 15-2.1-24, means a poultry carcass, part of a poultry carcass, or a product that is made wholly or in part from a poultry carcass or part of a poultry carcass.

(b) The term does not include products that:

- (1) contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry; and
- (2) are exempted by the board.

As added by P.L.137-1996, SEC.43.

IC 15-2.1-2-40

"Practice of veterinary medicine" defined

Sec. 40. "Practice of veterinary medicine" has the meaning set forth in IC 15-5-1.1-2.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.59.

IC 15-2.1-2-40.5

"Prepared" defined

Sec. 40.5. "Prepared" means slaughtered, canned, cured, salted, smoked, stuffed, rendered, boned, cut up, freezing, drying, storage, or otherwise manufactured or processed.

As added by P.L.137-1996, SEC.44.

IC 15-2.1-2-41

"Private sale" defined

Sec. 41. "Private sale" means any sale other than a public sale.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.60.

IC 15-2.1-2-42

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-43

"Public sale" defined

Sec. 43. "Public sale" means any sale where the general public is invited to participate whether held at an established place of business

or at a place where sales are infrequently held.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.61.

IC 15-2.1-2-44

"Reactor" defined

Sec. 44. "Reactor" means any animal which has been tested for a certain disease and that shows a positive reaction to an official test for such disease in accordance with existing regulations at the time of the test.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.62.

IC 15-2.1-2-44.6

"Receiving station" defined

Sec. 44.6. (a) "Receiving station" means a place, a premises, or an establishment where milk or milk products are collected, handled, stored, or cooled and prepared for distribution.

(b) The term does not include soft ice cream dispensers in restaurants as defined by the board.

As added by P.L.137-1996, SEC.45. Amended by P.L.124-2001, SEC.63.

IC 15-2.1-2-44.7

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-45

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-45.5

"Rendered product" defined

Sec. 45.5. "Rendered product" means waste material derived in whole or in part from any animal, including fish and poultry, and refuse from the handling, preparation, cooking, or consumption of food that has been ground and heated to a minimum temperature of 230° F to make products such as animal, poultry, or fish protein meal, grease, or tallow.

As added by P.L.165-1985, SEC.4.

IC 15-2.1-2-45.8

"Renderer" defined

Sec. 45.8. (a) "Renderer" means a person engaged in the business of operating a disposal plant for the rendering of livestock or poultry carcasses or parts or products of such carcasses.

(b) The term does not include rendering conducted under inspection or exemption under IC 15-2.1-24.

As added by P.L.137-1996, SEC.47. Amended by P.L.124-2001, SEC.64.

IC 15-2.1-2-46

Repealed

(Repealed by Acts 1977, P.L.166, SEC.48.)

IC 15-2.1-2-47

"Sale", "sell", or "selling" defined

Sec. 47. (a) "Sale", "sell", or "selling" means sale, lease, donation, trade, barter, or exchange in any manner.

(b) The term includes the following:

(1) Manufacture, processing, transporting, handling, packing, canning, bottling, or any other productions, preparation, or putting up.

(2) Exposure, offer, or any other proffer.

(3) Holding, storing, or any other possession.

As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.165-1985, SEC.5; P.L.137-1996, SEC.48; P.L.124-2001, SEC.65.

IC 15-2.1-2-48

"Sale barn" defined

Sec. 48. "Sale barn" means a livestock auction market.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.10.

IC 15-2.1-2-48.5

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-49

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-49.5

Repealed

(Repealed by P.L.124-2001, SEC.181.)

IC 15-2.1-2-50

"State veterinarian" defined

Sec. 50. "State veterinarian" means the chief administrative officer of the board as provided by IC 15-2.1-4-1.

As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.11.

IC 15-2.1-2-51

"Stockyards" defined

Sec. 51. "Stockyards" means a place, an establishment, or a facility conducted, operated, or managed for profit or not for profit as a public market in which livestock is assembled for purchase or sale at competitive bidding, or purchase by the persons operating the stockyards. The term includes concentration points where livestock

is assembled for the purpose of redistribution or resale by means other than competitive bidding, but does not include sale barns.
As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.66.

IC 15-2.1-2-51.5

"Transfer station" defined

Sec. 51.5. "Transfer station" means a place, a premises, or an establishment where milk or milk products are transferred directly from one (1) milk tank truck to another.
As added by P.L.137-1996, SEC.51. Amended by P.L.124-2001, SEC.67.

IC 15-2.1-2-52

"Transport vehicle" defined

Sec. 52. "Transport vehicle" means a vehicle used for transporting dead animal bodies, nonedible byproducts from the slaughtering of animals and poultry, or restaurant grease.
As added by Acts 1976, P.L.59, SEC.1. Amended by Acts 1977, P.L.166, SEC.12; P.L.124-2001, SEC.68.

IC 15-2.1-2-53

"Tuberculosis" defined

Sec. 53. "Tuberculosis" means tuberculosis in animals.
As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.124-2001, SEC.69.

IC 15-2.1-2-54

"Veterinarian" defined

Sec. 54. "Veterinarian" means a person authorized by law to practice veterinary medicine.
As added by Acts 1976, P.L.59, SEC.1. Amended by P.L.93-2005, SEC.15.